

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

GARRETT EUGENE RAY

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:10-cv-572-HSO-JMR

ADAM GIBBONS & ALLEN WEATHERFORD

DEFENDANTS

**ORDER ADOPTING REPORT AND RECOMMENDATION
TO DENY PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT**

This cause comes before the Court on the Report and Recommendation [27-1] of Chief United States Magistrate Judge John M. Roper entered in this cause on June 6, 2011. Magistrate Roper reviewed the pleadings on file and determined that based on the record, Plaintiff's Request for Entry of Default [18-1] and Motion for Default Judgment [19-1] should be denied. To date, Plaintiff has not filed an Objection to the Report and Recommendation.¹ After a thorough review of the record, including Plaintiff's Request for Entry of Default and Motion for Default Judgment, the briefs and the relevant legal authorities, the Court, being otherwise fully advised in the premises, finds that the Magistrate Judge properly recommended that Plaintiff's Request and Motion be denied inasmuch as the City of Gulfport has filed a Motion to Dismiss pursuant to FED. R. CIV. P. 12 and FED. R. CIV. P. 56.² Therefore, said Report and Recommendation should be adopted as the

¹ The docket reflects that Plaintiff signed for the Report and Recommendation on June 8, 2011 [28-1].

²As noted in the Report and Recommendation, this responsive pleading was timely filed in accordance with FED. R. CIV. P. 12(a)(1)(A)(i).

opinion of this Court.

IT IS, THEREFORE, ORDERED AND ADJUDGED that, the Report and Recommendation [27-1] of Chief United States Magistrate Judge John M. Roper entered in this cause on June 6, 2011, should be, and the same hereby is, adopted as the finding of this Court.

IT IS, FURTHER, ORDERED AND ADJUDGED that, Plaintiff's Request for Entry of Default [18-1] and Motion for Default Judgment filed April 7, 2011 [19-1] should be and hereby are **DENIED**.

SO ORDERED AND ADJUDGED, this the 23rd day of June, 2011.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE